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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,584	04/09/2001	Steven V. Kauffman	SVL920010023US1	7961

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INTERNATIONAL BUSINESS MACHINES CORP  
IP LAW  
555 BAILEY AVENUE, J46/G4  
SAN JOSE, CA 95141

EXAMINER
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BASOM, BLAINE T

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/829,584

Applicant(s)

KAUFFMAN ET AL.

Examiner

Blaine Basom

Art Unit

2173

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 13 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: NONE.  
Claim(s) objected to: NONE.  
Claim(s) rejected: 1-103.  
Claim(s) withdrawn from consideration: NONE.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
JOHN CABECA  
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: The Examiner respectfully maintains that Loveman (U.S. Patent No. 6,211,869 to Loveman et al.), Clarin (U.S. Patent No. 6,414,725 to Clarin et al.) and VideoUniversity.com, as described in the previous Office Action, teach each and every element of the invention, as claimed. Regarding the pending claims, the Applicants argue that one of ordinary skill in the art at the time of the invention would not have been motivated to modify Loveman in view of Clarin as alleged by the Examiner. The Examiner respectfully disagrees, for at least the reasons presented in the Office Action of 11/3/2004. Further regarding the pending claims, the Applicants argue that the proffered combination of Loveman and Clarin fails to teach "receiving content in an initial format and reformatting the received content into content having... a third format with a lowest resolution," as expressed in each of the pending independent claims. In the previous Office Action, the clips 532 within the storyboard window 530 of the user interface 500 of Loveman (see figure 11) were asserted as being this claimed third format of content having a lowest resolution, i.e. a resolution lower than the corresponding video presented within the viewing window 510 of the user interface 500. The Examiner respectfully maintains this assertion. The Applicants argue that such a teaching is unsupported by Loveman, since the clips 532 within the storyboard window 530 are not explicitly described as having a resolution lower than the corresponding video within the viewing window 510, presenting in response to selecting a clip 532. In response, the Examiner notes that each of the clips 532 is considered a thumbnail, since it presents a small, still frame image of a corresponding video and since it may be selected to play the corresponding low resolution video within viewing window 510 (for example, see column 18, lines 47-55). As well known in the art, thumbnails representing video have a spatial resolution lower than that of the corresponding video, which is presented in response to selecting the thumbnail. Additionally, since the thumbnail comprises only a single frame, the thumbnails have a lower temporal resolution than the corresponding video. Loveman thus teaches, to one of ordinary skill in the art, reformatting video into a third format, specifically that of thumbnails, which have a lower resolution than the corresponding video presented within viewing window 510.